

### **REMARKS**

This response is submitted in reply to the Office Action dated September 13, 2006. Claims 1-7 currently stand rejected and are the only pending claims in the application. Applicant respectfully traverses.

In light of the remarks presented below, Applicant respectfully requests reconsideration and allowance of all now-pending claims of the present application.

#### **Claim Rejections - 35 USC §103**

Claims 1, 2 and 4-7 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Vedrine (U.S. Patent No. 6,707,808) in view of Hamalainen et al. (U.S. Patent No. 5,729,541, hereinafter "Hamalainen"). Claim 3 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Vedrine in view of Hamalainen and further in view of Chillariga et al. (U.S. Patent Application Publication No. 2001/0030956, hereinafter "Chillariga"). Applicant respectfully traverses.

Independent claim 1 recites, *inter alia*, allocating a locally unique code, a whole of the code being included in each burst at a predetermined location therein to indicate to the mobile station that the mobile station is a target for the radio block. In other words, the code indicates to the mobile station that the mobile station is a target for the radio block. For example, the code defines the destination for the data signal.

As conceded in the Office Action, Vedrine fails to teach or suggest a whole of the code being included in each burst at a predetermined location therein to indicate to the mobile station that the mobile station is a target for the radio block as claimed in independent claim 1. As such, the Office Action cites Hamalainen, which is directed to a method for transmitting packet data in a cellular system, as teaching such feature at col. 7, lines 10-14 and 31-40. In this regard, the Office Action states that TMPI is the code, thereby apparently asserting that the TMPI of Hamalainen corresponds to the code of the claimed invention. However, Applicant respectfully points out that the code of the claimed invention indicates to the mobile station that the mobile station is a target for the radio block. Meanwhile, as described at col. 7, lines 10-14 and 31-40 of

Hamalainen, the packet paging P part of a burst is used for informing the mobile station about an incoming packet data transmission. However, no mention is made regarding indicating to the mobile station that the mobile station is a target for the radio block via a code as generally set forth by the claimed invention. Hamalainen discloses that the paging includes the temporary packet mobile identity (TMPI), along with other identities. However, the TMPI is merely used to identify the packet and is not indicative to the mobile station that the mobile station is a target for the radio block.

In this regard, Applicant respectfully notes that the TMPI is not equivalent to a locally unique code for a destination mobile station. Such a unique code may conventionally be referred to as a temporary mobile subscriber identity, TMSI. Applicant submits that the difference between TMSI and TMPI is quite clear since the TMSI identifies a mobile terminal within a network while the TMPI identifies a packet being sent over the network. Furthermore, Hamalainen itself discloses that mobile stations may have a temporary identity for division into paging groups at col. 9, lines 51-54. Such temporary identity both has nothing to do with a code being included in each burst at a predetermined location therein to indicate to the mobile station that the mobile station is a target for the radio block and is further indicative that the TMPI of Hamalainen does not correspond to the code of the claimed invention. Thus, Hamalainen fails to teach or suggest allocating a locally unique code, a whole of the code being included in each burst at a predetermined location therein to indicate to the mobile station that the mobile station is a target for the radio block as recited in independent claim 1.

Applicant further notes that the embodiment of Hamalainen which is cited in col. 7, lines 31-40 indicates that two separate bursts are sent separately and illustrated in FIGS. 6 and 8, respectively. However, the TMPI is only included in the burst displayed in FIG. 6 and not the burst displayed in FIG. 8. To the contrary, the claimed invention recites that a whole of the code is included in each burst, thereby serving as further evidence that Hamalainen fails to cure the deficiencies of Vedrine with respect to the claimed invention.

Despite the disclosure of this embodiment of Hamalainen, the Office Action combines the cited passage above with col. 9, lines 46-56, which describes a separate embodiment, in asserting that Hamalainen discloses a whole of the code being included in each burst at a

predetermined location therein to indicate to the mobile station that the mobile station is a target for the radio block. Notwithstanding the fact that the combination of Vedrine and Hamalainen fails to teach or suggest the above recited features, as described above, Applicant also respectfully submits that, in any case, a skilled person would not cherry pick various features from different embodiments of Hamalainen to arrive at the claimed invention without the benefit of hindsight. Applicant also notes that no motivation or suggestion has been provided for selecting the various features from within the various embodiments within Hamalainen and thus, the cited references fail, alone or in combination, to teach or suggest allocating a locally unique code, a whole of the code being included in each burst at a predetermined location therein to indicate to the mobile station that the mobile station is a target for the radio block as recited in independent claim 1.

Chillariga is directed to a system for dynamic channel allocation whereby an Uplink Status Flag (USF) is transmitted on each downlink radio block. Chillariga fails to teach or suggest the above recited features and is not cited as such.

Thus, the cited references fail to teach or suggest allocating a locally unique code, a whole of the code being included in each burst at a predetermined location therein to indicate to the mobile station that the mobile station is a target for the radio block as recited in independent claim 1. Therefore, the cited references, taken either individually or in combination, fail to render independent claim 1 obvious. Independent claim 4 contains similar subject matter as that of independent claim 1 at least with respect to the feature recited above. Thus independent claim 4 is patentable for at least the same reasons given above for independent claim 1. Claims 2, 3 and 5-7 depend either directly or indirectly from respective ones of independent claims 1 and 4, and thus include all the recitations of their corresponding independent claims. Therefore, dependent claims 2, 3 and 5-7 are patentable for at least those reasons given above for independent claims 1 and 4.

Thus, for all the reasons stated above, Applicant respectfully submits that the rejections of claims 1-7 are overcome.

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### **CONCLUSION**

In view of the remarks presented above, it is respectfully submitted that the present claims are in condition for immediate allowance. It is therefore respectfully requested that a Notice of Allowance be issued. The Examiner is encouraged to contact Applicant's undersigned attorney to resolve any remaining issues in order to expedite examination of the present invention.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



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